

Message Text

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TAGS: CPAS GR

SUBJECT: CPAS: DUTIES OF CONSULAR OFFICERS - WITNESS OF MARRIAGE

REF: USC TITLE 22, SECTION 1172, AND

CFR TITLE 22, PART 52

1. THE DEPT'S GUIDANCE IS REQUESTED IN THE FOLLOWING
SITUATION WHICH APPEARS TO FALL UNDER EXCEPTION 2 OF
CFR 22, PART 52, SECTION 52.3(B).

2. IN SUPPORT OF STATE RELIGION, CIVIL LAW IN GREECE
FORBIDS MARRIAGE BETWEEN A CHRISTIAN AND A NON-CHRISTIAN.
BASED ON INFORMAL DISCUSSIONS WITH THE CIVIL REGISTRAR IN
ATHENS AND THE ASSISTANT DEAN OF LAW SCHOOL, WE HAVE
BEEN GIVEN TO UNDERSTAND THAT NO EXCEPTION CAN BE GRANTED.
ON OTHER HAND A SENIOR AMERICAN FOREIGN SERVICE OFFICER
ASSIGNED TO THIS POST, AN ADHERENT OF THE JEWISH FAITH
IS ENGAGED TO A CHRISTIAN, A CITIZEN OF NEW ZEALAND,
CURRENTLY VISITING ATHENS. THE TWO WISH TO BE MARRIED
AT AN EARLY DATE, AND DO NOT WISH TO TRAVEL TO AN
ADJOINING COUNTRY FOR THIS PURPOSE.

3. AN AMERICAN PASTOR RESIDING IN ATHENS IS PREPARED
TO SOLEMNIZE THE MARRIAGE NOTWITHSTANDING THE REFERENCED
LAW FORBIDDING THE LEGALIZATION OF MARITAL UNION BETWEEN
A CHRISTIAN AND A NON-CHRISTIAN. THE AMERICAN PARTY
TO THE PLANNED MARRIAGE IS FAMILIAR WITH CFR 22, PART 52,
AND FEELS VERY DEEPLY THAT THE LOCAL LAW PROHIBITING THE
MARRIAGE IS REPUGNANT TO HIS RELIGIOUS CONVICTIONS.

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4. THE EMBASSY NOTES THAT WHEREAS USC TITLE 22 PARA 1172 MERELY STATES THAT MARRIAGES IN PRESENCE CONSUL BETWEEN PERSONS WHO WOULD BE AUTHORIZED TO MARRY IF RESIDING DISTRICT OF COLUMBIA SHALL BE VALID AND HAVE SAME EFFECT AS SOLEMNIZED IN US, CFR 22 EMPOWERS A CONSUL TO ACT AS OFFICIAL WITNESS AFTER ASSURING HIMSELF REQUIREMENTS LOCAL LAW COMPLIED WITH QUOTE AS FAR AS PRACTICABLE UNQUOTE. EMBASSY FURTHER NOTES THAT COMPLIANCE WITH GREEK LAW IN THIS CASE WOULD MAKE THIS MARRIAGE IMPOSSIBLE WITHIN GREECE. EMBASSY AGREES THAT DENIAL OF MARRIAGE BY CIVIL AUTHORITY SOLELY FOR RELIGIOUS REASONS IS IN ITS VERY NATURE REPUGNANT TO AMERICANS.

THE DEPT'S GUIDANCE IS REQUESTED RELATIVE TO THE FOLLOWING POINT: SHOULD THE PARTIES CONCERNED, WITH THE ASSISTANCE OF AN AMERICAN PASTOR, PROCEED TO SOLEMNIZE A MARRIAGE IN VIOLATION OF GREEK LAW, BUT IN COMPLIANCE 22 USC, 1172, MAY A CONSULAR OFFICER ACTING UNDER THE REFERENCED CITATIONS OF LAW AND REGULATIONS OFFICIALLY WITNESS THE MARRIAGE WHICH SUBSEQUENTLY WOULD BE VALID WITHIN THE UNITED STATES?
KUBISCH

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